

REMARKS/ARGUMENTS

This amendment replaces the amendment filed April 14, 2005.

Claims 1-60, 63-115, and 118-141 are now pending, a total of 137 claims. Claims 134-141 are new. Claims 22-36, 51-60, and 63-112 are not allowed; however as noted below, many of them are not rejected, either. Of the non-allowed claims, claims 22, 51, 63, 87, 94, 96, 104 and 136 are independent.

The amendments presented here are timely and are properly admitted under Rule 116. They are timely presented with respect to issued first raised in the Office Action of October 25, 2004 and the Advisory Action of February 14, 2005. The amendments could not have been presented earlier, because the Examiner had not earlier indicated the portions of the references on which he now relies, or provided a clear explanation of his position. The amendments place the claims in better condition for appeal.

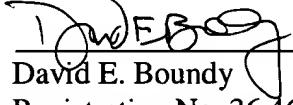
Further, in the Advisory Action of February 14, 2005, the Examiner states that rules relating to timely and complete action will not be applied to this application, and was unable to point to any set of facts relating to claim 87 that would allow closing prosecution. The Patent Office cannot waive rules unilaterally. 35 U.S.C. § 3(a)(1) (“The Director shall perform these duties in a fair, impartial, and equitable manner.”) Therefore, any waiver of the rules is bilateral, and any rule that might have foreclosed entry of this amendment has been waived. On the other hand, if the Patent Office wishes to revise its earlier opinion, and wishes to apply the rules bilaterally (which Applicant earnestly requests), then the Office Action of October 25, 2004 did not close prosecution, and this amendment may be entered as of right. In either event, there is no basis to deny entry of this amendment.

Patentability of the claims is discussed in Applicant’s paper of April 14, 2005. Claim 136 is believed patentable for reasons analogous to those applicable to claim 22. However, because the Office Actions state no clear basis for rejecting claim 22, Applicant is unable to provide any focused discussion of claim 136.

In view of the amendments and remarks, Applicant respectfully submits that the claims are in condition for allowance. Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any further extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 23-2405, Order No. 114596-03-4000.

Respectfully submitted,
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Dated: April 25, 2005

By: 

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